

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CRESCENT PLAZA HOTEL OWNER,)
L.P., individually and on behalf of all others)
similarly situated,)
Plaintiff,) Case No. 1:20-cv-03463
v.) Hon. Robert W. Gettleman
ZURICH AMERICAN INSURANCE)
COMPANY,)
Defendant.)

**DECLARATION OF BRONWYN F. POLLOCK IN SUPPORT OF MOTION TO
DISMISS AND REQUEST FOR INCORPORATION BY REFERENCE AND FOR
JUDICIAL NOTICE BY DEFENDANT ZURICH AMERICAN INSURANCE COMPANY**

DECLARATION OF BRONWYN F. POLLOCK

I, Bronwyn F. Pollock, declare as follows:

1. I am licensed to practice law in the State of California and admitted *pro hac vice* to this Court. I am a partner in the law firm of Mayer Brown LLP and counsel for Defendant Zurich American Insurance Company in this action. I submit this declaration in support of Zurich's Motion to Dismiss and accompanying Request for Incorporation by Reference and for Judicial Notice. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto, I could and would competently do so under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's March 18, 2020 Order.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's March 21, 2020 Order.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's March 24, 2020 Order.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's March 29, 2020 Order.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's April 3, 2020 Order.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's April 23, 2020 Order.

8. Attached hereto as **Exhibit 7** is a true and correct copy of Dallas County, Texas Judge Clay Jenkins's May 14, 2020 Order.

9. Attached hereto as **Exhibit 8** is a true and correct copy of Texas Governor Gregg Abbott's March 19, 2020 Executive Order.
10. Attached hereto as **Exhibit 9** is a true and correct copy of Texas Governor Gregg Abbott's March 26, 2020 Executive Order.
11. Attached hereto as **Exhibit 10** is a true and correct copy of Texas Governor Gregg Abbott's March 29, 2020 Executive Order.
12. Attached hereto as **Exhibit 11** is a true and correct copy of Texas Governor Gregg Abbott's March 31, 2020 Executive Order.
13. Attached hereto as **Exhibit 12** is a true and correct copy of Texas Governor Gregg Abbott's April 17, 2020 Executive Order.
14. Attached hereto as **Exhibit 13** is a true and correct copy of Texas Governor Gregg Abbott's April 27, 2020 Executive Order.
15. Attached hereto as **Exhibit 14** is a true and correct copy of the Centers for Disease Control and Prevention's ("CDC") "Cleaning and Disinfection for Households: Interim Recommendations for U.S. Households with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19)," dated July 10, 2020.
16. Attached hereto as **Exhibit 15** is a true and correct copy of the CDC and Environmental Protection Administration's ("EPA") "Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes," dated April 28, 2020.
17. Attached hereto as **Exhibit 16** is a true and correct copy of the EPA's "List N: Products with Emerging Viral Pathogens [and] Human Coronavirus claims for use against SARS-CoV-2, dated September 9, 2020.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the U.S. Food & Drug Administration’s “Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic,” dated April 2020.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the CDC’s “Coronavirus Disease 2019 (COVID-19) Considerations for Restaurants and Bars,” dated September 6, 2020.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the May 14, 2020, hearing transcript in *Social Life Magazine, Inc. v. Sentinel Insurance Limited*, No. 1:20-cv-03311-VEC (E.D.N.Y.).

21. Attached hereto as **Exhibit 20** is a true and correct copy of the July 1, 2020, hearing transcript in *Gavrilides Management Co. v. Michigan Insurance Co.*, No. 20-258-CB (Mich. Cir. Ct.).

22. Attached hereto as **Exhibit 21** is a true and correct copy of the July 21, 2020, “Order Granting Defendant Michigan Insurance Company’s Motion for Summary Disposition” in *Gavrilides Management Co. v. Michigan Insurance Co.*, No. 20-258-CB (Mich. Cir. Ct.).

23. Attached hereto as **Exhibit 22** is a true and correct copy of the April 20, 2020 complaint in *The Inns by the Sea v. Cal. Mut. Ins. Co.*, No. 20CV001274 (Cal. Super. Ct.).

24. Attached hereto as **Exhibit 23** is a true and correct copy of the August 4, 2020 hearing transcript in *The Inns by the Sea v. Cal. Mut. Ins. Co.*, No. 20CV001274 (Cal. Super. Ct.).

25. Attached hereto as **Exhibit 24** is a true and correct copy of the August 6, 2020 order in *The Inns by the Sea v. Cal. Mut. Ins. Co.*, No. 20CV001274 (Cal. Super. Ct.).

26. Attached hereto as **Exhibit 25** is a true and correct copy of the September 11, 2020 order in *Pappy’s Barber Shops, Inc. v. Farmers Grp., Inc.*, No. 20-cv-907 (S.D. Cal.).

27. Attached hereto as **Exhibit 26** is a true and correct copy of the September 14, 2020 order in *Mudpie, Inc. v. Travelers Cas. Ins. Co. of Am.*, No. 20-cv-3213 (N.D. Cal.).

28. Exhibits 1-13 were obtained from official government websites for Dallas County, Texas, and the State of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 14, 2020 at Glendale, California.

/s/ Bronwyn F. Pollock

Bronwyn F. Pollock (*admitted pro hac vice*)